IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2826 OF 2005

Smt. Estella Santhan D'Souza ... Petitioner
and Anr.

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. B. D'Souza i/b. M.P. Vashi & Assoc. for the petitioner.
Mr. Pradeep Jadhav, AGP for respondent No.1.
Mr. Abhijeet Wagh i/b. Utangale & Co. for respondent Nos.2 & 3.
Mr. R.R. Sharma for respondent No.5.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 4th December, 2006

P.C.

. On behalf of SRA an affidavit has been filed by Mr. Gorakh Nathu Chavan. In the said affidavit, it is pointed out that the allotment done by respondent Nos.4 and 5 is without any notice and intimation to the Slum Rehabilitation Authority and since the allotment is not as per procedure laid down, the same is improper. An enquiry has been conducted. The enquiry officer submitted his report. It is also set out that the petitioners were allotted tenement Nos.705 and 706 on the seventh floor which they are not accepting.

2. The case of the petitioners is that there is an agreement with the developer and slum developer to provide them premises on 1st or 2nd floor.

3. In SRA scheme an agreement with the developer would be immaterial, as the society has to allot in terms of lots. However, considering the affidavit filed by Mr. Gorakh Nathu Chavan, respondents Nos.2 and 3 based upon report filed, to take action according to law, not later than 8 weeks from today and if proper procedure is not followed, then to follow proper procedure and make allotment in terms of rules/policies of respondent Nos.2 and 3.

4. Rule made absolute accordingly. No order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]